

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA

V

JED RUHL

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* CRIMINAL FILE NO. 19-66

VIOLATION OF CONDITIONS OF RELEASE

Monday, March 15, 2021

Burlington, Vermont

BEFORE:

THE HONORABLE WILLIAM K. SESSIONS III
Senior District Judge

APPEARANCES:

JOSEPH R. PERELLA, ESQ., Assistant United States
Attorney, Federal Building, Burlington, Vermont;
Attorney for the United States

MICHELLE ANDERSON BARTH, ESQ., Law Office of
Michelle Anderson Barth, P.O. Box 4240,
Burlington, Vermont; Attorney for the Defendant

ANNE NICHOLS PIERCE
United States District Court Reporter (ret'd.)
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1 MONDAY, MARCH 15, 2021

2 (The following was held in open court at 10:10 a.m.)

3 THE COURT: Good morning.

4 COURTROOM DEPUTY: Your Honor, this is
5 criminal number 19-66, defendant number one, United
6 States of America versus Jed Ruhl. The government is
7 present through Assistant United States Attorney Joseph
8 Perella. The defendant is present with his attorney,
9 Michelle Anderson Barth.

10 The matter before the Court is a violation of
11 conditions of release.

12 THE COURT: All right. Mr. Ruhl, you reported
13 as required.

14 THE DEFENDANT: Yes, I did, your Honor.

15 THE COURT: And is it going to be different?

16 THE DEFENDANT: Yes. Yep, absolutely. I will
17 make -- make drug court my first priority instead of an
18 afterthought.

19 THE COURT: And the UAs you have to make a
20 priority.

21 THE DEFENDANT: I will.

22 THE COURT: You know, I thought quite a bit
23 about the hearing, and, you know, let me tell you just
24 my observation: My observation is that you are a very
25 smart person and very intelligent. And that in some

1 ways, when you make an argument to me, I am persuaded
2 by, frankly, your eloquence and -- your eloquence and
3 your insight, but there's a part of what you say in
4 court to me and to others which really sort of is
5 intended to speak to what you think the hearer wants to
6 hear. And in some respects, you know, I interpret what
7 you say is you figuring out this is what I want to hear,
8 and then I thought that's something oftentimes judges
9 recognize.

10 I'm sure defense lawyers never understood that
11 judges look at that, but we do, and, you know, I just
12 have a sense that sometimes you just say, Well, this is
13 what -- this is what the judge is going to want to hear,
14 this is what the probation officers may want to hear,
15 et cetera. And you should know that my assessment is
16 that sometimes you speak in those kinds of words: This
17 is what the person wants to hear, and this is what I'm
18 going to have to say to get to my next step.

19 And I think that's over, you know, frankly. You
20 are really going to have to comply here with -- and, you
21 know, what you have to say is not going to be as
22 important as it was before. It's really going to
23 require you to follow everything. And, I don't know, I
24 was thinking, ordinarily what happens in your particular
25 case is that you will get in trouble, you will let slide

1 your obligations, and then you will be disciplined, and
2 then you will do well for a while, and then it begins to
3 slide again. I don't know why that is, but it seems to
4 be the case.

5 So I'm going to order that -- that probation uses a
6 sweat patch occasionally, just intermittently, so you
7 are not going to know when the sweat patch is going to
8 be used, but it will be used. The conditions are as
9 they have been in the past.

10 The interesting thing about your case is that
11 everybody is rooting for you, right? Everybody really
12 wants to get Jed to the finish line, right? Because
13 they have seen progress that you have made.

14 You know, Michelle was very eloquent in your
15 defense describing all the progress that you have made,
16 and nobody wants to throw that away. But then on the
17 other hand, you know, we cannot tolerate pretty
18 consistent, flagrant violations of the rules. Right?
19 You can't -- you just cannot ignore those, and so
20 everyone seems to be extraordinarily frustrated, and
21 perhaps you can put me at the top of that list, so much
22 so this never happened before, but so much so that I
23 think it would not be fair to you that I be the
24 sentencing judge if you failed because I would be
25 reacting viscerally to all the violations and not

1 sentencing you necessarily on what you did, and that's
2 not fair to you. So anyway, that was -- that's why I
3 said what I said.

4 Again, everyone wants to make you be successful.
5 Seems like you are the only person who doesn't, and I
6 just hopes that changes really.

7 All right. So are there any members of the team
8 who would like to make -- comment upon my reflection?

9 MR. PERELLA: Your Honor, from the government:
10 The government totally concurs with your comments. I
11 only add, more specifically, the dishonesty I think is
12 the -- one of the primary sources of frustration for the
13 team.

14 Before your Honor took the bench, I spoke to Jed
15 and Michelle about it a little bit. I was hoping he
16 would address the issue of dishonesty with you a bit
17 because, and we explained to him, the drug court team
18 can't help him unless he is being honest with us. But
19 thank you.

20 MS. BARTH: Jed is prepared to -- to say a few
21 words.

22 THE COURT: Okay. All right?

23 THE DEFENDANT: I won't let that happen again.
24 There won't be any problems, but if there was, I would
25 be completely honest from the start. So I'm very

1 regretful, and I'm sorry for being dishonest.

2 THE COURT: Okay. All right. So we start
3 again, and next drug court is not this Thursday. It's
4 the following Thursday. It's by zoom. And, you know,
5 we will see you then.

6 So as of -- he does not get any credit for the
7 previous two weeks. He begins getting credit as of the
8 date of the last drug court.

9 Theoretically, if you are successful from now until
10 court, you get credit for the full 13 days.

11 PROBATION OFFICER SHAWNA LAPPIERE: Your,
12 Honor, usually if there's a use, the person gets sent
13 back to the beginning of the phase. Is that your
14 intention?

15 THE COURT: What is the -- tell me how many
16 days that is.

17 PROBATION OFFICER LAPIERRE: Well, it's almost
18 a whole phase. He was at the end of Phase III, and so
19 he had been having use in the middle of Phase III, so he
20 would be sent back to the beginning of Phase III. He
21 had been at -- he had earned 77 days.

22 THE COURT: Yeah, I don't want to take him
23 back to Phase III, the beginning of Phase III.

24 PROBATION OFFICER LAPIERRE: Okay.

25 THE COURT: This was in January, this test. I

1 mean, obviously if there were more positive tests, it
2 would be a totally different situation. I just think we
3 leave it at whatever he earned up to the last drug
4 court, not getting credit for the two weeks previous to
5 that, and then move on from there. I don't want to go
6 back at this point.

7 PROBATION OFFICER LAPIERRE: Okay. Thank you
8 for that clarification.

9 THE COURT: Okay? Anything else?

10 MS. BARTH: No, your Honor. Thank you.

11 THE COURT: All right. We'll hopefully not
12 see you in this kind of situation again.

13 THE DEFENDANT: All right.

14 THE COURT: Okay? Thanks.

15 (Court was in recess at 10:20 a.m.)

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19 C E R T I F I C A T I O N

20 I certify that the foregoing is a correct
21 transcript from the record of proceedings in the
above-entitled matter.

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23 April 12, 2022
24 Date

Anne Nichols Pierce

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